

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT APPEAL NO : 1145 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated
01/06/2004 in WP NO : 9394 OF 2004 on the file of the High Court.)

Between:

Gram Panchayat, Bhupalpalli Village, Bhupalpalli Mandal,
Warangal District, rep. by its Executive Officer.

..... APPELLANT

AND

Beravelli Srinivas, S/o.late B.Ramaiah,
r/o.Vodedu Village, Karimnagar District.

.....RESPONDENT

Counsel for the Appellant: MR. P.PRABHAKAR REDDY

Counsel for the Respondent : MR. K.V.BHANU PRASAD

The Court made the following JUDGMENT:

(Per Hon'ble B.Sudershan Reddy, J)

The learned Single Judge, in our considered opinion, ought not to have disposed of the writ petition, directing the appellant herein not to interfere with the peaceful possession and enjoyment of the respondent-writ petitioner over the land to the extent of Ac.0-12 guntas situated in Survey No.183 of Bhupalapalli Village, without acquiring the same and without following due process of law.

The affidavit filed by the Gram Panchayat, Bhupalapalli Village, reveals the nature of the dispute. According to the Gram Panchayat, the road in the land in question was laid long time ago about which we do not propose to express any opinion.

Suffice it to notice that the nature of the dispute raised by the appellant herein requires to be gone into, for which purpose the writ petition is required to be heard on merits.

For the aforesaid reasons, the impugned order dated 01-06-2004 made in Writ Petition No.9394 of 2004 by the learned Single Judge of this Court is set aside and the writ appeal is allowed.

The writ petition is admitted.

Post the writ petition for hearing before the learned Single Judge hearing the writ petitions. Liberty is given to the petitioner to make a mention for hearing of the writ petition.

(B.SUDERSHAN REDDY, J)

Dated: 2nd August, 2004.

(K.C.BHANU, J)

Grr/Ak*

To

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